

**SENATE JOURNAL
63RD LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 3, 2013

Senate Chambers
State Capitol

Senate convened at 1:06 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Members of the Legislative Spouses organization thanked Senator Keane for providing a tour of Butte and lunch for the group.

Senator Larsen introduced Shane Clouse, one of several headliners for a Singers for Soldiers fundraiser, who sang "Montana Matters" for the Senate. Mr. Clouse is a Montana businessman, farmer and rancher, and brother-in-law of Senator Taylor Brown.

BILLS AND JOURNALS (Buttrey, Chair):

4/3/2013

Correctly printed: **SB 280, SB 384, SB 409, HB 48, HB 117, HB 281, HB 488.**

Correctly engrossed: **SB 392, SB 395, SB 407, SR 47, HB 450, HB 464, HB 473, HB 544.**

Correctly enrolled: **SB 11, SB 18, SB 120, SB 122, SR 23, SR 29, SR 35, SR 36, SR 37, SR 38, SR 39.**

Examined by the sponsor and found to be correct: **SB 11, SB 18, SB 19, SB 120, SB 122, SB 136, SB 239, SR 23, SR 29, SR 35, SR 36, SR 37, SR 38, SR 39.**

Transmitted to the House: **SB 355, SB 386, HB 66, HB 84, HB 124, HB 299, HB 465.**

Signed by the Secretary of the Senate at 8:45 a.m., April 3, 2013: **SB 45, SB 48, SB 116, SB 125, SB 165, SB 185, SB 194, SB 224, SB 259, SB 316, SR 5, SR 6, SR 11, SR 17, SR 25, SR 27.**

Signed by the President at 11:39 a.m., April 3, 2013: **SB 45, SB 48, SB 116, SB 125, SB 165, SB 185, SB 194, SB 224, SB 259, SB 316, SR 5, SR 6, SR 11, SR 17, SR 25, SR 27.**

Signed by the Speaker at 4:35 p.m., April 2, 2013: **SB 176, SB 314, SB 319, SB 327, SB 332.**

Delivered to the Governor at 9:46 a.m., April 3, 2013: **SB 176, SB 314, SB 319, SB 327, SB 332.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair):

4/2/2013

HB 344, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair):

4/3/2013

SJR 24, do pass. Report adopted.

HB 464, be amended as follows:

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1. Title, page 1, line 5.

Following: "WAGES;"

Insert: "CLARIFYING THE CEILING FOR WAGE RATES AND FRINGE BENEFIT RATES;"

2. Title, page 1, line 8.

Following: "SERVICES"

Insert: ", "

Strike: "AND"

Following: "HIGHWAY CONSTRUCTION"

Insert: "SERVICES, AND BUILDING CONSTRUCTION"

3. Title, page 1, line 11.

Following: "SECTIONS"

Insert: "18-2-402,"

4. Page 1.

Following: line 15

Insert: "**Section 1.** Section 18-2-402, MCA, is amended to read:

"18-2-402. Standard prevailing rate of wages. (1) The commissioner may determine the standard prevailing rate of wages, including fringe benefits, applicable to public works contracts under this part. The commissioner shall keep and maintain copies of collective bargaining agreements and other information on which the rates are based.

(2) The provisions of this part do not apply in those instances in which the standard prevailing rate of wages is determined by federal law.

(3) Whenever this part is applicable, the standard prevailing rate of wages, including fringe benefits, ~~is the may be equal to but not greater than~~ of the highest applicable rate of wages in the area for the particular work in question as negotiated under existing and current collective bargaining agreements or the rate determined by the applicable survey under this part."

Renumber: subsequent sections

5. Page 1, line 19.

Strike: "heavy construction and"

6. Page 2, line 16.

Following: "plus"

Insert: "zone pay, per diem, and"

7. Page 2, line 23.

Following: "(b)"

Insert: "(i)"

8. Page 2, line 25.

Following: "wage."

Insert: "(ii)"

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9. Page 2, line 26.

Strike: "that wage"

Insert: "then the higher of the collective bargaining agreement rate or the surveyed rate"

10. Page 4, line 1.

Strike: "(a)"

11. Page 4, line 3.

Strike: "(i)"

Insert: "(a)"

12. Page 4, line 6.

Strike: "or"

13. Page 4, line 7.

Strike: "(ii)"

Insert: "(b)"

14. Page 4, line 8.

Following: "Montana"

Insert: "; or

(c) use, as provided by rule, a combination of surveyed rates, as provided in subsection (2)(a), and rates adopted by reference, as provided in subsection (2)(b)"

15. Page 4, lines 9 through 11.

Strike: subsection (b) in its entirety

16. Page 4, line 13.

Following: "zone pay"

Insert: ", per diem,"

17. Page 4, line 14.

Following: "allowances"

Insert: ", if applicable,"

18. Page 4, lines 22 through 28.

Strike: "-- zone pay or per diem" on line 22

Strike: subsections (1) and (2) in their entirety

Insert: "(1) The contracting agency shall determine, based on the preponderance of labor hours to be worked, whether the public works construction services project is classified as a highway construction project, a heavy construction project, or a building construction project.

(2) Once the project has been classified, employees in each trade classification who are working on that project must be paid at the rate for that project classification."

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19. Page 4.

Following: line 29

Insert: "NEW SECTION. Section 6. Zone pay and per diem. If there is not sufficient data reported to establish zone pay or per diem for a trade classification, the department may establish a zone pay or a per diem amount that reasonably approximates an applicable average zone pay or per diem rate that is payable for the trade classification."

Renumber: subsequent section

20. Page 4, line 30.

Strike: "[Section 4] is"

Insert: "[Sections 4 and 5] are"

21. Page 5, line 1.

Strike: "[section 4]"

Insert: "[sections 4 and 5]"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair):

4/3/2013

SB 392, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: the first "PROVIDING" on line 6 through "PENALTIES;" on line 7

2. Page 1, line 12 through line 29.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 3, line 20.

Strike: "or [section 1], or both"

4. Page 3, line 22 through line 23.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 355, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair):

4/2/2013

SB 407, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "it"

Insert: "liability"

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Strike: "that"
Insert: "and"
Strike: "a third"
Insert: "another"

2. Page 1, line 26.

Strike: "it"
Insert: "liability"
Strike: "that"
Insert: "and"

3. Page 1, line 27.

Strike: "a third"
Insert: "another"

And, as amended, do pass. Report adopted.

SB 408, do pass. Report adopted.

HB 450, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 2, line 7.

Following: "(a)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

3. Page 2, line 8.

Following: "(b)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

4. Page 2, line 10.

Following: "(c)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

5. Page 2, line 12.

Following: "(d)"
Insert: "under"

6. Page 2, line 14.

Following: line 13
Insert: "(2) An insurer making payment on a claim under a disability insurance policy, member contract, health benefit plan, group health plan, blanket disability insurance policy as defined in 33-22-601, or other medical coverage shall credit toward satisfaction of the insured's deductible, copayment, or coinsurance, if any, any payment made by a casualty

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or property insurer, but only if the payment to be credited is applied to a covered medical expense under the terms of the applicable health policy."

Renumber: subsequent subsections

7. Page 2, line 15.

Following: "POLICY"

Insert: "or in accordance with any written agreement or contract existing between the provider and the insurer or a person contractually engaged by the insurer to perform services or an insurance function for the insurer. Nothing in this section prohibits a payer on a first-party or third-party claim from negotiating or denying the amount of the billed charges or making a reasonable request for additional information or documents in order to evaluate the claim"

8. Page 2, line 22.

Following: line 21

Insert: "(2) [Section 1] is intended to be codified as an integral part of Title 2, chapter 18, part 9, and the provisions of Title 2, chapter 18, part 9, apply to [section 1]."

Renumber: subsequent subsections

9. Page 3, line 12 through line 14.

Strike: section 5 in its entirety

And, as amended, be concurred in. Report adopted.

HB 473, be amended as follows:

1. Title, page 1, line 7.

Strike: "POTENTIAL"

Insert: "KNOWN"

2. Page 2, line 28 through page 3, line 2.

Strike: "All" on page 2, line 28 through "lien." on page 3, line 2

Insert: "Payment for services rendered or products provided that are covered by a lien under this section fully satisfies the lien and any attorney lien under 37-61-420, and the payer and provider paid are released, to the extent of the amount paid, from all liability arising from the lien or attorney lien."

3. Page 3, line 30.

Following: "received the notice of lien"

Insert: "or amended lien"

Following: "receiving the notice of lien"

Insert: "or amended lien"

Strike: "potentially"

Insert: "known"

4. Page 4, line 1.

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Strike: "lien's existence"

Insert: "lien or amended lien"

Strike: "potentially"

Insert: "known"

5. Page 4, line 2.

Following: "lien"

Insert: "or amended lien"

And, as amended, be concurred in. Report adopted.

HB 544, be amended as follows:

1. Page 1, line 30.

Following: line 29

Insert: "(c) For the purposes of this subsection (4), a provider network is adequate if:

(i) the network includes at least 80% of the licensed individual physicians actively practicing in the state of Montana;

(ii) the network includes at least 80% of the licensed individual nonphysician health care providers actively practicing in the state of Montana; and

(iii) the network includes at least 90% of those facilities licensed and operating as hospitals in the state of Montana."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair):

4/3/2013

SB 405, do pass. Report adopted.

MOTIONS

Senator Lewis moved that **SR 47** be taken from Education and Cultural Resources and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Driscoll, Fielder, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 32

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Facey, Hamlett, Jackson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Tutvedt, Vuckovich, Wanzenried.

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Phillips moved that **SB 295** be taken from Taxation and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Dee Brown moved that **SB 406** be taken from State Administration and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 49, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.

SR 50, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.

SR 51, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 52, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 53, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 54, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SJR 26, introduced by Arntzen, Arthun, Brenden, D. Brown, Buttrey, Hamlett, L. Jones, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Webb, referred to Highways and Transportation.

SJR 27, introduced by Tutvedt, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 395 - Senator T. Brown moved **HB 395** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 400 - Senator Arntzen moved **SB 400** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 34

Nays: Barrett Debby, Boulanger, D. Brown, T. Brown, Jackson, Keane, Lewis, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Wittich, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 240 - Senator F. Moore moved **HB 240** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 374 - Senator Lewis moved **SB 374** do pass.

SB 374 - Senator Olson moved **SB 374**, second reading copy, be amended as follows:

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1. Title, page 1, line 6 through line 15.

Strike: "PROVIDING" on line 6 through "MCA;" on line 15

Insert: "PROVIDING GUIDELINES FOR THE AUTHORIZATION AND PURPOSES FOR THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL; PROVIDING EXPECTATIONS FOR THE OPERATION OF A PUBLIC CHARTER SCHOOL; ALLOWING FOR THE TERMINATION OF A CHARTER SCHOOL;"

2. Page 1, line 20 through page 42, line 23.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Public Charter Schools Act"."

Insert: "NEW SECTION. **Section 2. Legislative intent -- charter school defined.** (1) [Sections 1 through 5] are intended to provide an alternative means within the public school system for ensuring the necessary outcomes of education by offering opportunities for school district trustees, in collaboration with communities and school district staff, to establish and maintain charter schools that are under the supervision and control of the elected school boards pursuant to Article X, section 8, of the Montana constitution, subject to general supervision of the board of public education pursuant to Article X, section 9(3), of the Montana constitution, and that operate within a school district structure but independently from other schools of the district.

(2) As used in [sections 1 through 5], "charter school" means a separate and distinct public school that is established and governed by a board of trustees of a public school district as defined in 20-6-101 for one or more of the purposes set forth in [section 3] and that exclusively serves children who are residents of the district or children attending outside their resident district pursuant to 20-5-321.

(3) Except as otherwise approved by a variance to standards by the board of public education, each charter school must be subject to accreditation requirements of the board of public education and must be accredited to maintain its charter.

(4) A charter school may be maintained in a separate facility or in an existing school facility if the charter school is operated independently from the other school in the shared facility.

(5) Each charter school shall offer a general curriculum appropriate to the grades offered at the charter school but may include one or more special programs as part of its curriculum. A charter school may be organized around a special emphasis, theme, or concept or may utilize innovative educational methods or practices.

(6) A charter school offering distance learning opportunities as all or part of its curriculum shall do so exclusively using the Montana digital academy established in 20-7-1201 and shall comply with the rules regarding the calculation of average number belonging set forth in 20-9-311(11)(g).

(7) The opening of a charter school established pursuant to [sections 1 through 5] is exempt from the limitations on opening or reopening a school under 20-6-502 and 20-6-503."

Insert: "NEW SECTION. **Section 3. Authorization to establish -- purposes.** (1) A charter school may be established and governed by the board of trustees within a school district, either as a new school or as a conversion of an existing school, upon any of the following actions:

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(a) in a first-class elementary district, as defined in 20-6-201, or in any high school district with which a first-class elementary district is affiliated by unification or joint board status, at least 10% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school;

(b) in a second-class elementary district, as defined in 20-6-201, or in any high school district with which a second-class elementary district is affiliated by unification or joint board status, at least 20% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school; or

(c) in a third-class elementary district, as defined in 20-6-201, or in any high school district with which a third-class elementary district is affiliated by unification or joint board status, at least 30% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school.

(2) In the case of a conversion of an existing school or creation of a new charter school, the board shall negotiate salary, benefits, and working conditions with affected labor groups.

(3) The board of trustees of any school district defined in 20-6-101 may establish a charter school as a means of providing new opportunities for:

(a) improved pupil learning;

(b) increased learning opportunities for pupils in special areas of emphasis in accordance with themes established for charter schools; or

(c) creative and unconventional instructional techniques and structures.

(4) A school district establishing a charter school under this section may apply to the board of public education for variances to any standards set forth in board of public education rules, excluding standards pertaining to teacher licensure or endorsement. The procedure for applying for variances to standards of the board of public education must be set forth in board of public education rules, and the determination regarding whether to waive any standards must be in the sole discretion of the board of public education."

Insert: "NEW SECTION. Section 4. Expectations. (1) A charter school shall provide an education that meets or exceeds the requirements of the Montana constitution, state law, and school accreditation standards except as specifically otherwise approved through a variance to standards by the board of public education.

(2) To be established pursuant to a vote of the board of trustees or the qualified electors, a charter school shall, at a minimum, guarantee the following:

(a) elected school board governance, supervision, and control over the charter school and its operations;

(b) unrestricted, open student access for all children who are residents of the district or children subject to attendance with mandatory approval pursuant to 20-5-321;

(c) compliance with all health and safety laws;

(d) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(e) employee collective bargaining to the same extent as required or provided by state law; and

(f) a plan for soliciting input on vital formation and implementation issues from community members and school district staff through the formation of advisory committees, the

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conduct of properly noticed public meetings for purposes of hearing comment, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest on establishing a charter school."

Insert: "NEW SECTION. Section 5. Termination. A school district may discontinue an approved charter school upon completion of any school fiscal year. If the district decides to discontinue a charter school, it shall promptly notify the board of public education in writing."

Insert: "NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5], except where explicitly stated in [sections 1 through 5]."

Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2013."

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 26

Nays: Arntzen, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 374 - Senator Lewis moved **SB 374**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 34

Nays: Augare, Blewett, Caferro, Driscoll, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Wanzenried.

Total 16

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 143 - Senator Brenden moved consideration of **SB 143** be passed for the day. Without objection, so ordered.

SB 396 - Senator Brenden moved consideration of **SB 396** be passed for the day. Without objection, so ordered.

HB 104 - Senator Driscoll moved consideration of **HB 104** be passed for the day. Without objection, so ordered.

SB 381 - Senator Vincent moved **SB 381** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.

Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 397 - Senator Boulanger moved **SB 397** do pass.

SB 397 - Senator Boulanger moved **SB 397**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND BAIT"

2. Title, page 1, line 6 through line 7.

Strike: "DURING" on line 6 through "HUNTING" on line 7

Insert: "AND"

3. Title, page 1, line 8.

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Strike: "BEAR BAITING AND"

Insert: "A"

Strike: "LICENSES"

Insert: "LICENSE"

4. Title, page 1.

Following: line 9

Insert: "PROVIDING PENALTIES;"

5. Title, page 1, line 12.

Following: "87-2-702,"

Insert: "87-5-111,"

Following: "87-6-205,"

Insert: "87-6-301,"

Strike: the first "AND"

Following: "87-6-414,"

Insert: "AND 87-6-601,"

6. Page 1, line 22.

Strike: "and bait" through "[section 3]"

7. Page 1, line 23 through line 24.

Strike: ", during" on line 23 through "[section 3]" on line 24

8. Page 1, line 29.

Strike: the first "4"

Insert: "3"

9. Page 1, line 29 through page 2, line 1.

Strike: "Except" on page 1, line 29 through "section." on page 2, line 1

10. Page 3, line 20 through page 4, line 29.

Strike: section 3 in its entirety

Renumber: subsequent sections

11. Page 11.

Following: line 25

Insert: "**Section 10.** Section 87-5-111, MCA, is amended to read:

"87-5-111. Enforcement and penalty. (1) ~~Any~~ A person who violates the provisions of this part or ~~whoever~~ fails to ~~procure~~ obtain or violates the terms of any permit issued ~~thereunder~~ shall be under this part is guilty of a misdemeanor.

(2) A person who violates the provisions of [section 1 or 3] related to the hunting or trapping of wolves during a provisional season or fails to obtain or violates the terms of a license issued to hunt or trap wolves under [section 1] is guilty of a misdemeanor.

(2)(3) Upon a first conviction for a violation under this part, the court may fine the

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~~defendant~~ A person who violates this section may, upon conviction for a first offense, be fined an amount not to exceed \$250. Upon a second such conviction, the defendant A person convicted of a second offense under this section may be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed not more than 30 days, or both. Upon subsequent such convictions, the defendant A person convicted of a subsequent violation shall be fined not less than \$500 or more than \$1,000, and in addition, the person may be imprisoned in the county jail for any term not to exceed not more than 6 months.

~~(3)~~(4) Any officer employed and authorized by the director or any peace officer of the state or of any municipality or county within the state shall have authority to enforce the provisions of this part and the provisions of [sections 1 and 3] related to the hunting and trapping of wolves during a provisional season.

~~(4)~~(5) Wildlife seized under the provisions of this part ~~shall~~ must be held by an officer or agent of the department pending disposition of court proceedings and thereafter be forfeited to the state for disposition as the director may ~~deem~~ find appropriate. Prior to forfeiture, the director may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping. The department is authorized to issue regulations to implement this subsection.""

Renumber: subsequent sections

12. Page 12.

Following: line 26

Insert: "Section 12. Section 87-6-301, MCA, is amended to read:

"87-6-301. Hunting, fishing, or trapping without license. (1) Except as provided in 87-2-311 and subsection (2) of this section, a person may not:

(a) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds except as provided by law or as provided by the department;

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish, except at the places and during the periods and in the manner established by law or as prescribed by the department;

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so;

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in [section 1] or 87-2-603, if that person is not a resident; or

(e) hunt migratory game birds without first having obtained a valid migratory game bird license from the department if the person is 16 years of age or older.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence.

(3) A person convicted of a violation of this section shall be fined not less than \$50 or

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more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(4) A person convicted of hunting without a license may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

(5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907."

Renumber: subsequent sections

13. Page 16.

Following: line 2

Insert: "NEW SECTION. **Section 16. Unlawful hunting of mountain lions and black bears during provisional season.** (1) A person hunting mountain lions or black bears during a provisional season opened pursuant to [section 1] may not hunt or attempt to hunt a black bear or mountain lion during that season except as provided in [sections 1 and 2] or without first having obtained a proper and valid license from the department to do so.

(2) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Insert: "Section 17. Section 87-6-601, MCA, is amended to read:

"87-6-601. Trapping and snaring offenses. (1) A person may not use a snare trap for the purpose of snaring a fur-bearing animal, a predatory animal, or a nongame species unless:

(a) the snare trap is tagged with a numbered metal device identifying the owner's name, address, and telephone number;

(b) the consent of the landowner has been obtained for a set on private property; and

(c) the snare trap is set in a manner and at a time so that it will not unduly endanger livestock. A person who injures livestock in snare traps is liable for damages to the owner of the livestock.

(d) if used during a provisional season to snare wolves, the snare is used in accordance with [section 3].

(2) A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a metal tag to all traps bearing in legible English the name and address or wildlife conservation license number of the trapper, except that a tag is not required on traps used by landowners trapping on their own land or on an irrigation ditch right-of-way contiguous to the land.

(3) A holder of a Class C-2 trapper's license or a license issued under [section 1] may not trap or snare predatory animals or nongame wildlife on private property without obtaining written permission from the landowner, the lessee, or their agents.

(4) A person may not at any time willfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver, except that trapping in the house of muskrats is not

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prohibited when authorized by the commission.

(5) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another person or remove wildlife from a trap or snare belonging to another person without permission of the owner of the trap or snare, except that from March 1 to October 1 of each year a person may remove any snare from land owned or leased by the person if the snare would endanger livestock.

(b) This subsection (5) does not apply to a law enforcement officer acting within the scope of the officer's duty.

(6) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(7) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and 87-6-906."

Renumber: subsequent sections

14. Page 16, line 6.

Strike: "[Sections 2 and 3] are"

Insert: "[Section 2] is"

15. Page 16, line 7.

Strike: "[sections 2 and 3]"

Insert: "[section 2]"

16. Page 16, line 8.

Strike: "4"

Insert: "3"

17. Page 16, line 9.

Strike: "4"

Insert: "3"

18. Page 16.

Following: line 9

Insert: "(4) [Section 16] is intended to be codified as an integral part of Title 87, chapter 6, part 4, and the provisions of Title 87, chapter 6, part 4, apply to [section 16]."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent,

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Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 44

Nays: Blewett, Kaufmann, Malek, Ripley, Wanzenried, Windy Boy.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 397 - Senator Boulanger moved **SB 397**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 387 - Senator Debby Barrett moved **SB 387** do pass.

SB 387 - Senator Peterson moved **SB 387**, second reading copy, be amended as follows:

1. Title, page 1, line 10 through line 11.

Strike: "PROVIDING" on line 10 through ";" on line 11

2. Title, page 1, line 13.

Strike: "CLARIFYING" through ";"

3. Title, page 1, line 14.

Strike: "2-2-136,"

4. Title, page 1, line 15.

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Strike: "13-37-113,"

5. Page 2, line 11.

Following: "possible"

Insert: "civil or"

6. Page 3, line 1 through page 4, line 20.

Strike: section 4 in its entirety

Renumber: subsequent sections

7. Page 5, line 14.

Strike: "a criminal"

Insert: "an"

Following: "or"

Insert: "the commission or"

8. Page 8, line 22.

Strike: "that the individual has been identifiably and specifically harmed by"

9. Page 9, line 17 through page 10, line 4.

Strike: section 15 in its entirety

Renumber: subsequent sections

10. Page 10, line 25.

Following: "~~13-37-125~~"

Insert: "appropriate county attorney may initiate a civil or criminal action pursuant to 13-37-124 and 13-37-125 or the"

11. Page 11, line 1.

Following: "~~13-37-125~~"

Insert: "appropriate county attorney may initiate a civil or criminal action pursuant to 13-37-124 and 13-37-125 or the"

12. Page 11, line 8.

Following: "—"

Insert: "civil or"

13. Page 11, line 10.

Following: "or"

Insert: "civil or"

14. Page 11, line 14.

Following: "—"

Insert: "If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after receiving notification of the alleged violation, the commission may then initiate

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the appropriate legal action."

15. Page 11, line 18.

Following: "a"

Insert: "civil or"

16. Page 11, line 25.

Following: ":-"

Insert: "(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, must be deposited in the state general fund."

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator Debby Barrett moved **SB 387**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 401, HB 554, SB 394 - Senator Wittich moved consideration of **SB 401, HB 554, and SB 394** be passed for the day. Without objection, so ordered.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Blewett, Malek, Phillips, Priest, Vuckovich, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 117 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 45

Nays: Boulanger, Fielder, Sales, Walker, Wittich.

Total 5

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 488 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Arthun, Boulanger, Priest, Ripley, Sales, Vincent.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 280 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 566 concurred in as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Boulanger, Fielder, Priest, Sales, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

President Essmann announced the discussion of resolutions scheduled under this order of business would be passed to the following day.

MOTIONS

Senator Tutvedt moved to change his vote on **SB 295** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair):
HB 233, be amended as follows:

4/3/2013

1. Page 2, line 27.

Strike: "at least"

2. Page 4, line 26.

Strike: "**condition of parole**"

Insert: "imposition of conditions"

3. Page 5, line 13.

Following: "(2)"

Strike: "The"

Insert: "Upon an offender's participation in the sobriety program and payment of the fees required by 44-4-1204:

(a) the"

4. Page 5, line 14.

Strike: "any OTHER crime in which"

Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

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5. Page 5, line 15 and 16.

Strike: "upon" on line 15 through "44-4-1204." on line 16

Insert: ";

6. Page 5, line 17.

Strike: "(3) The"

Insert: "(b) the"

7. Page 5, line 19.

Strike: "any OTHER crime in which"

Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

8. Page 5, line 20 through line 21.

Strike: "upon" on line 20 through "44-4-1204." on line 21

Insert: ";

9. Page 5, line 22.

Strike: "(4) The"

Insert: "(c) the"

Strike: ", the department of corrections, or a parole officer"

10. Page 5, line 23 and 24.

Following: "61-8-465," on line 23

Strike: "for"

Following: "or" on line 23

Strike: "for any OTHER crime in which"

Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

11. Page 5, line 25.

Strike: "upon" through "44-4-1204."

Insert: "; or"

12. Page 5, line 26.

Insert: "(d) the department of corrections may establish conditions for conditional release for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

(3) An entity referred to in subsections (2)(a) through (2)(d) may condition any bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release as provided in those subsections for an individual charged with or convicted of a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether

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the charge or conviction was for a first, second, or subsequent violation of the statute."

13. Page 8, line 9.

Following: ", or"

Strike: "any other crime in which"

Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

14. Page 8, line 10.

Following: "crime"

Insert: "or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute"

15. Page 9, line 8 through line 9.

Strike: "require the person" on line 8 through "program or" on line 9

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 10:00 a.m., Thursday, April 4, 2013, the seventieth legislative day. Motion carried.

Senate adjourned at 4:22 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate